(2)

No. 03-1218

MAY 26 2

IN THE

Supreme Court of the United States

JEAN BENNETT ROANE,

Petitioner,

v.

NATIONAL CHILDREN'S CENTER, INC., *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

PETITION FOR REHEARING

JEAN BENNETT ROANE, J.D.
5 White Lane
Jim Thorpe, PA 18229
(570) 325-8151

Petitioner Pro Se

F/O

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Petitioner is fully aware that this Court rarely grants a Petition For Rehearing of an Order denying a Writ of Certiorari. Petitioner respectfully submits that support underlying the request reveals substantial grounds that are rare. In fact, the conduct set forth is unparalleled in race discrimination cases chronicled in the legal reporting system. There are none. The most unsettling result is that all Respondents are rendered free and clear from behavior that is actionable in virtually all jurisdictions.

Petitioner has observed that Supreme Court Rule 24.6 discourages scandalous material in a Brief. Although the contents of a Petition were not included, Petitioner is guided by the spirit of the Rule. Thus, Petitioner exercised considerable restraint when submitting the Petition for a Writ of Certiorari, thereby stressing the procedural challenges which she perceived were worthy and scandal free. Unfortunately, Certiorari was not granted.

With deepest regret, Petitioner is forced into the ignoble position of disclosing conduct that upholds inflammatory descriptions. Therefore, Petitioner begs the indulgence of this Court to the extent that she not be adjudged the offensive party for discussing Respondents' base conduct.

There are so many incidents of egregious acts by nearly all Respondents that it is a daunting task to set forth briefly an account of the events. The most succinct method is to list the Respondents and the conduct complained of with a direct referral to the Appendices where clear and convincing evidence is offered by Petitioner and surprisingly, incriminating exhibits willingly submitted by Respondents.

National Children's Center, Inc. (hereinafter referred to as "NCC")

Arthur Ginsberg, Executive Director, NCC ("Ginsberg")

Dale J. Dangremond, NCC Chief Program Officer (Dangremond)

Jean Queen, Receptionist, NCC ("Queen")

Bridnetta D. Edwards, Esq., Counsel for NCC, REED SMITH

Michael C. Lynch, Esq., Counsel for NCC, REED SMITH

Nigel L. Wilkinson, Esq., Counsel for NCC, REED SMITH

George R. Clark, Esq., REED SMITH, In-House Counsel
REED SMITH, formerly REED SMITH SHAW & McCLAY

The record is replete with compelling evidence of NCC's relentless efforts to avoid service of process by glaring fraudulent means. Ginsberg, Queen, REED SMITH by and through its Attorneys, Bridnetta D. Edwards, Michael C. Lynch, Nigel L. Wilkinson, joined by George R. Clark, REED SMITH in-house Counsel asserted:

> "Petitioner attempted service of process on July 3, 2000. She delivered an envelope addressed to Arthur Ginsberg, Richard M. Wilson, Andrew Stanley, Gloria Grant, The Honorable Stanley Levy, Michael Dennis, Joan Graham, Maurice Edmead, Meredith Branson, and Dale J. Dangremond to NCC. *See* Affidavit of Jean Queen, Exhibit C. The envelope was sent certified mail with Return receipt requested. *Id.* The envelope was received and signed by Jean Queen, a receptionist at NCC. *Id.* Enclosed in the envelope were separately addressed envelopes to the individuals listed on the larger envelope. The envelope of Defendant Ginsberg contained a copy of the summons and complaint in this matter. *See* Affidavit of Arthur Ginsberg at ¶ 3, attached hereto as Exhibit D." NCC Respondents Motion To Dismiss, July 24, 2000.

At no time, nor in any respect, did any member of the U.S. Postal Service receive from Plaintiff/Petitioner and deliver to NCC in "A" large envelope with a single Certified Return Receipt Requested green card attached for a single signature (Queen asserted falsely that she signed for "A" package), a Summons and Complaint for all Defendants stuffed into "A" single envelope.

At no time, nor in any respect did Ginsberg receive within "A" large envelope, a Summons and Complaint Addressed to Jit Tandon (as he swears to in his Affidavit). Through inadvertence Petitioner never mailed a Summons and Complaint to Jit Tandon.

At no time, nor in any respect did Ginsberg receive within "A" large envelope a Summons and Complaint addressed to

Joel S. Ganz, M.D. and Barry Reisig, Esq. Petitioner has, in her possession, the Summons and Complaint sent by Certified Mail, Return Receipt Requested. Both documents were stamped by the U.S. Postal Service "Unclaimed, Returned to Sender" with green cards. Appendix A, p. 1a.

REED SMITH and NCC Respondents have never disputed the validity of the above evidence, but rather submitted only the words that a "fraud claim is baseless," leaving the above conduct intact and irrefutable. Petitioner filed a complaint with the United States Postal Service and was advised that the matter of "mail fraud" is under investigation.

NCC Respondents attempts to avoid service are relentless. On June 6, 2002 Petitioner re-filed the original Complaint (02:CV01125). Petitioner was meticulous in her efforts to have the Summons and Complaint to all Defendants/Respondents served properly. She contacted professional and highly competent national Process Servers.

Petitioner advised Mr. Kenneth Margolis, Process Server that Respondents have tried to avoid service of process by whatever means necessary, and that he should be similarly meticulous in his efforts to serve all NCC Respondents. Mr. Margolis reported that Ginsberg advised him he is the Authorized Agent for service of process for all NCC Respondents. And when Mr. Margolis questioned his authority, he insisted upon accepting the Summons and Complaint for all NCC Respondents. In point of fact, as a managing Agent for NCC, Ginsberg is authorized to receive service of process for all NCC Respondents.

And again, NCC Counsel Bridnetta D. Edwards offered Ginsberg's perjured Affidavit that he is not the Authorized Agent for service of process and concluded in a Motion To Dismiss, that the Court did not have jurisdiction over NCC Respondents. See Petitioner's Reply Memorandum To All Defendants, November 29, 2002.

Dangremond is similarly involved in efforts to avoid service of process. She is the "selected" candidate over Petitioner. In addition to perjured Affidavits regarding service, she swore in an Affidavit that she was recommended by an officer of the American Foundation For Autistic Children.

It does not exist. (Susan Koenig, Officer of the Association for Autistic Children in New York has no knowledge that it exists, and it is not listed under Foundations in Public libraries). Further, she asserted she holds a BSW and an MBA; after 2 requests by the Equal Employment Opportunity Commission, she refused to submit her resume or proof of her academic credentials. She swore, for the first time, 6 months after Petitioner raised her complaints against racial discrimination that she had presented Training sessions for 8 years, but offered no proof whatsoever. Appendix G, pp. 32a, 33a.

And now, Dangremond appears to offer yet another perjured Affidavit. On October 14, 2002 @ 1:24pm. Mr. Ken Margolis served a Summons and Complaint to Dangremond personally @ 8037 Ellingson Drive, Chevy Chase, MD 20815. She was in North Carolina for several months. Dangremond swears she was never served the Summons and Complaint.

David J. Shaffer, prior Counsel for NCC and a previous member of the Arter & Hadden Law firm, a party to this litigation has a history of multiple acts which include the submission in a Position Statement, dated June 2, 1999 of "54 willful" fabrications.

See Respondent's submission of Attachment - A Discussion, March 17, 2000 Each and every fabrication was rebutted successfully. Example:

Mr. Shaffer asserted in the Position Statement that Petitioner had threatened NCC Staff with physical harm. He submitted the following "evidence" to support the claim: NCC's transcript of Petitioner's accurate voice message to Ginsberg dated February 24, 1999:

- I can't say you're gonna have a nice day because I know it's going to be miserable when I finish with you and the... David in the court(?) *Ibid.*

In Mr. Shaffer's Position Statement, he quotes "Ms. Roane:"

- and promised that "its going to be miserable when I finish with you and Dale."

Mr. Shaffer presents Ginsberg's sworn Affidavit, in part:

- and promising that "it's going to be miserable when I finish with you and Dale" (February 24, 1999).

Mr. Shaffer presents Dangremond's sworn Affidavit, in part:

- Mrs. Roane also promised that "it's going to be miserable when I finish with (Mr. Ginsberg) and (myself)" February 24, 1999.

The alterations are obvious; executed to make it appear that Petitioner intended to do bodily harm to Ginsberg and Dangremond, vitiating the obvious intent which was to challenge Ginsberg and David Shaffer in U.S. District Court For the District of Columbia where NCC sought a Temporary Restraining Order and Preliminary Injunction to force Petitioner to cease all racial discrimination complaints against herself and NCC employees, a statutorily protected right under 42 U.S.C. § 1981.

In what can only be perceived as an attempt to make certain that Petitioner would not appear in U.S. District Court for the Temporary Restraining Order Hearing, Mr. Shaffer sent Petitioner a letter dated February 23, 1999 advising her that the Hearing would be held in the U.S. District Court for the Eastern District of Pennsylvania. Mr. Shaffer's predilection for mendacity throughout the litigation validates the assertion.[1] Appendix J, p. 40a, 41a, 42a.

A particularly invidious alteration of documents occurred after Petitioner submitted her proposal to perform Training Sessions for NCC. Mr. Shaffer alleged that Petitioner was offering her services in the field of law. One side of the Brochure contained the list of services offered. At the top of the page, Petitioner asserted the following:

"Consultants are represented in the following areas. . . ." Appendix H, p. 34a, 35a, 36a.

Mr. Shaffer placed the page on a Xerox machine so that the words *Consultants are* was obliterated. It was not an error because the remaining 7 pages of the Brochure were Xeroxed clearly and without distortion. Appendix I, p. 37a, 38a, 39a.

Further, Petitioner is not dabbling in hyperbole when it is

---

1. It just so happened that Petitioner decided to call U.S. District Court for the District of Columbia the day before and discovered that a Temporary Restraining Order was scheduled for February 23, 1999. The information was verified, with reluctance, by a member of the Arter & Hadden Law firm, Ronald Schmidt, Esq.

asserted that Mr. Shaffer falsified the holding in nearly all cases offered in defense of NCC's failure to hire Petitioner. One astounding revelation is, "Furthermore, the filing of a legal action, which includes a TRO, is absolutely privileged, and thus does not give rise to liability for retaliation." Position Statement, June 2, 1999, @ p. 11. Nowhere in this jurisdiction, or in any other is there law supporting the fabrication. Mr. Shaffer made it up. And he cited *Intern. City Mgt. Ass'n Ret. Corp. v. Watkins*, 726 F. Supp. 1 (D.D.C. 1989) where discussion of his legal theory is absent. In fact, the issue raised therein is libel and slander in a defamation action. The only reference to retaliation is made with regard to Mr. Watkin's "whistle-blowing." Appendix F, p 29a, 30a, 31a.

It is appropriate to discuss here the conduct of Richard A. Dean. He is Counsel for Arter & Hadden and responsible for defending David J. Shaffer, Esq., a former employee of the firm. The defense is characterized by the submission of "27 willful" fabrications of his own doing to explain away Mr. Shaffer's submission of "54 willful" fabrications in his Position Statement. And most perplexing is that Mr. Dean willingly submits incriminating exhibits to support his position. Reply Memorandum Of Defendants Arter & Hadden. July 17, 2001.

One of his more egregious acts was to select the case, *Barbour v. Merrill*, 48 F.3d 1270 (D.C. Cir. 1995) to extricate Arter & Hadden Respondents from liability for Petitioner's 42 U.S.C. § 1985(3) conspiracy claim. He offered, in part:

> "As the court observed, if the court permits Section 1985 claims to proceed on these allegations alone every lawyer and law firm that represents an employer would be vulnerable to a conspiracy charge in every employment discrimination case."

In support, he cited pp. 1280-81. Former Chief Judge Harry T. Edwards, Senior Circuit Judge James L. Buckley (ret.) and Circuit Judge David S. Tatel made no such ruling. Mr. Dean made it up. *Ibid* @ p. 11.

Mr. Dean is a vigorous participant in efforts to avoid service of process by whatever means necessary. He has always pleaded that Petitioner's service of process was improper. In what appeared to be an act to make certain that

Petitioner could not serve an Authorized Agent, he initiated termination of the Arter & Hadden Partnership on June 29, 2001. At that time, Howard Lieberman was listed as the Authorized Agent for service of process. Mr. Dean reorganized the Partnership on the same date. He deleted Mr. Lieberman's name. He did not enter the name of an Authorized Agent in contravention to the rules of the District of Columbia. The obvious intent was to thwart Petitioner's efforts to locate an Authorized Agent.

The foregoing information was verified by: Mrs. Inger Otter from the Department of Consumer & Regulatory Affairs and Mrs. Maxine Garner-Highland from the Corporations Division, File # 210039 of the same Agency.

With due diligence, Petitioner's Process Server, Mr. Kenneth Margolis located Mr. Lieberman at an address different from the previous address. Mr. Lieberman accepted service for Arter & Hadden but refused to accept service for David J. Shaffer, Esq. He said he did not know him, an obvious fabrication since both were members of the Arter & Hadden law firm as early as 1999. Mr. Dean asserted later in formal court papers that David J. Shaffer, Esq. was not served. Thus, he unilaterally dropped Mr. Shaffer from all of the legal proceedings.

Egregious Acts by Young, Goldman & Van Beek and H. Alan Young, Esq., former In-House Counsel for Respondent NCC.

- Fraud – Failure of Respondents H. Alan Young, Esq. and Young, Goldman & Van Beek to respond to the Summons and Complaint in 00:CV00436; and then swear falsely that an Answer was submitted on May 18, 2000. It is impossible. The Summons and Complaint was received on July 3, 2000. The Court docket verifies that an Answer to 00:CV00436 was never filed and certainly not 47 days before it was received. Petitioner was entitled to a Default Judgment which was filed by Motion on June 21, 2001, Petitioner's Notice of Appeal, April 30, 2003.

- At the Hearing for a Temporary Restraining Order against Petitioner to cease racial discrimination complaints against herself and NCC Employees, H. Alan Young, Esq.

"testified" that Petitioner made physical threats against NCC Staff and Ginsberg, in particular. In open Court he offered what he considered evidence that the threats were made. And then proposed an account of a visit to Petitioner's home in Pennsylvania with subsequent trips to New York and Atlantic City to demonstrate the threats. Appendix K, pp. 43a, 44a, 45a, 46a, 47a, *See* excerpts from the Transcript for a full account.

Rhetorically, what can be said about an Officer of the Court who is obviously mendacious in Open Court and within seconds after a serious accusation, demonstrates that he is not telling the truth?

- Mr. Young also is an active participant in the pervasive efforts by Respondents to avoid service of process. On 9/18/02 @ 4:40pm., H. Alan Young, Esq. was personally served @ 411 S. Royal Street, Alexandria, Virginia by Petitioner's Process Server, Mr. Margolis. The party who accepted the Summons and Complaint identified himself as Mr. Young. Mr. Young and Young, Goldman & Van Beek submitted an Affidavit in Court papers that Mr. Young was not served and not at that address because he did not live there.

DISCUSSION

The critical and most reprehensible outcome in these cases is that, without exception, there is not one Judge in the United States District Court For the District of Columbia, nor the United States Court of Appeals For the District of Columbia Circuit who could ever be a part of the decisions rendered in these cases beginning in 2001.

The District of Columbia Circuit is considered to be at the top of the most prestigious Courts in the Federal Circuit. Indeed Justice Antonin Scalia and Justice Ruth Bader Ginsburg were selected from the Circuit to be members of this Court. Similarly, the District Court is very highly regarded. Without exception, the Judges are outstanding. For example, a review of the decision in Wiggins v. Philip Morris rendered by Judge Royce C. Lamberth (Judge assigned to these cases) reveals that an African American pro se litigant had access to the legal process without impediment. Judge Lamberth noted the difficulty he had with understanding Mr. Wiggins' court documents (he misspelled his Employer's name).

Notwithstanding the problems, the signal resonated was clear; an African-American pro se Plaintiff could rely upon a level playing field in the U.S. District Court. And certainly when the case was being heard by Judge Lamberth. This case was one of many researched by Petitioner at the beginning of the litigation. And Petitioner was encouraged to pursue her claims on a pro se basis fortified by the notion that Judge Lamberth would review her claims fairly.

Most compelling is that after Judge Lamberth, presumably rendered a decision on March 29, 2001 in which all of Petitioner's claims were dismissed except one, Petitioner complained about the "misconduct," including but not limited to the mail fraud.

Petitioner spoke to Judge Lamberth's Law Clerk, John F. Preis. She told him in vivid terms about the "fraud." Mr. Preis reported the matter immediately to Judge Lamberth whereupon Mr. Preis advised Petitioner, "Ms. Roane, it is not that what you are saying is invalid. Judge Lamberth said, it is that we have to decide how we are going to handle the matter." Further, Mr. Preis advised Petitioner that Judge Lamberth went on to say, "'I want to see everything she has written and submitted.'" These conversations were extracted from notes taken by Petitioner at the time of the phone communications. *See also* Petitioner's Notice of Appeal, April 30, 2003, Ex. E.

The foregoing was verified by Mr. Traback (sp), the Law Clerk who replaced Mr. Preis the following term. He advised Petitioner that he was instructed to place all documents submitted by her on Judge Lamberth's desk. Petitioner believed that issues raised by her would be resolved.

Further, with regard to the level of trust Petitioner had in the Federal Court, the Barbour case offered by Counsel Richard A. Dean for spurious reasons is similarly an example to demonstrate that a pro se Plaintiff can expect a level playing field in the United States Court of Appeals For the District of Columbia Circuit. Indeed, the availability of the right extends to this Court where Certiorari was granted to Petitioners who asserted that there was not a shred of evidence to support a jury's finding of racial discrimination. Certiorari was ultimately dismissed and Barbour is stable law.

REASONS FOR GRANTING THE PETITION FOR REHEARING

Petitioner is hopeful that the foregoing conduct of Respondents will be reviewed. Petitioner is thrust into a challenge that was misdirected. Something occurred here and it should not be the responsibility of the Petitioner to go on a "witch hunt" so that a semblance of justice is available. The conduct is so deplorable - and the fact that Respondents have escaped liability in the face of compelling egregious acts represents an extreme departure from results rendered by all courts in all jurisdictions.

Most offensive is the misplaced arrogance demonstrated by Respondents. Mr. George R. Clark, In-House Counsel for REED SMITH actually boasts that Judge Lamberth agrees with NCC Respondents clear and convincing act of fraud. Appendix C, pp. 17a, 18a, 19a.

It is significant to note that the Equal Employment Opportunity Commission advised Respondent NCC after a sex discrimination complaint was filed in 1994 that there was probable cause to find a violation. NCC Respondent refused to settle and the matter was pursued by the E.E.O.C. in Federal Court. Respondent NCC had to pay $3,000,000.00 to several employees in 1998. The fact that NCC resumed discrimination almost simultaneously with settlement discussions is a strong reason for granting the Petition For Rehearing. Their conduct is clear defiance and demonstrates that the "damages" incurred at the time did not "punish" or "deter" NCC from resuming "business as usual" acts of race discrimination.

PRAYER FOR RELIEF

Petitioner hereby request that Certiorari, in part be granted. This Court should not be burdened with hearing these cases. It appears that the Court below may be most anxious to review the allegations made by Petitioner, which for reasons unknown to all may have been withheld. And arising out of astounding acts which include perhaps criminal conduct, Respondents must not be free and clear from liability for invidious conduct.

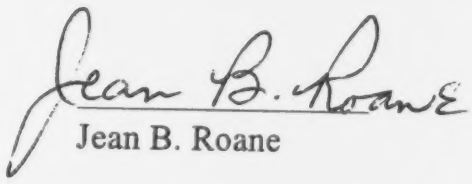
Respectfully submitted,

JEAN BENNETT ROANE, J.D.
5 White Lane
Jim Thorpe, PA 18229
(570) 325-8151

Petitioner Pro Se

CERTIFICATE OF GOOD FAITH

The undersigned hereby certifies that this petition for rehearing is restricted to the grounds specified in Rule 44.2 of the Rules of the Supreme Court and is presented in good faith and not for delay.



Jean B. Roane

APPENDIX

APPENDIX A — EXCERPT – DISCUSSION OF U.S. MAIL FRAUD BY NCC RESPONDENTS WITH EXHIBITS, SUBMITTED TO D.C. CIRCUIT COURT OF APPEALS, NOTICE OF APPEAL, APRIL 30, 2003

* * *

1. At no time, nor in any respect, did any member of the U.S. Postal Service receive from Plaintiff and deliver to NCC in "A" large envelope with a single Certified Return Receipt Requested green card attached for a single signature (Jean Queen falsely asserted she signed for "A" package), a *Summons and Complaint* for all Defendants stuffed into "A" single envelope. It is an invidious criminal fabrication.

2. Mr. Ginsberg has committed serious acts of indictable felonious perjury whereby he asserts that he received within "A" large envelope, a *Summons and Complaint* addressed to Jit Tandon. Through inadvertence, Plaintiff "*never*" mailed a *Summons and Complaint* to Jit Tandon.

3. Plaintiff has in her *possession* the *Summons and Complaint* sent by Certified Mail, Return Receipt Requested to Joel S. Ganz, M.D. and Barry Reisig, Esq. in single individually addressed envelopes (as was done with respect to all Defendants). Each envelope addressed to the above bears the following stamped notations from the U.S. Postal Service:

Joel S. Ganz, M.D.

Certified Mail 7000 0600 0028 8885
2965 - U.S. Postage Paid, Philadelphia,
Pa.,19104, June 29, '00 $4.30 -

Appendix A

00046042-39 Stamped on front of single envelope: Unclaimed, Returned To Sender, handwritten date 7/20/00. Green Card with notation of 1st and 2nd notice stamped on green card Ex. 7

Barry Reisig, Esq.

Certified Mail 7000 0600 0028 8885 2996 - U.S. Postage Paid, Philadelphia, Pa.,19104, June 29, '00 $4.30 - 0004602-39 Stamped on front of single envelope: Unclaimed, Returned To Sender, Handwritten date 7127/00. Unreadable notation presumed to be a 1st and 2nd notice of attempt to deliver. Ex. 8 -9

It is "*felonious perjury*" to assert that the above was delivered in "A" large envelope to NCC by the U.S. Postal Service. The evidence is clear and convincing with incontrovertible proof of Defendants' criminal conduct.

4. Plaintiff placed on each individually addressed envelope the following notation:

ATTENTION:
Enclosed are extremely
Important Court Papers
To Be Opened Only By
ADDRESSEE

Appendix A

5. Plaintiff has in her possession the following receipts from the United States Post Office in Philadelphia, Pennsylvania for *individually addressed* envelopes which contained a *Summons and Complaint* for the following Defendants (and Defendants in the same cause of action, not listed below):

Dale Dangremond	Joan Graham
Michael F. Dennis	Meredith Branson
Joel S. Ganz, M.D.	Barry Reisig, Esq.
Richard M. Wilson	The Honorable Stanley Levy
Maurice B. K Edmead	Andrew Stanley
Gloria Grant	Arthur Ginsberg Ex. 9

Again, at no time nor in any respect, did Plaintiff cause to be delivered by the U.S. Postal Service, "A" large envelope which contained "envelopes" to certain Defendants which required a single Certified Mail, Return Receipt Requested green card signature. Rather, the clear and convincing evidence proves that Plaintiff caused to be delivered by the U.S. Postal Service individually addressed envelopes containing a *Summons and Complaint* for the named Defendants by individual Certified Mail, Return Receipt Requested. And a single signature was required for each mailing.

Appendix A

It is obvious that Defendants concocted a fiendish scheme whereby the manner of service by Plaintiff was altered materially to reflect service that would not be permitted under the FRCP and thus, the *Complaint would be dismissed.* It could not be considered de minimis. The Court agreed and characterized the manner of service as "Russian doll"; intact to date. Ex. 10

Appendix A

EXHIBITS

Arthur Ginsberg, Affidavit - July 24, 2000 (1)

Jean Queen, Affidavit - July 24, 2000 (2)

Copy of Envelope Addressed to Joel S. Ganz, M.D. (3)

Copy of Envelope addressed to Barly Reisig, Esq. (4)

U.S. Postal Service Certified Mail Receipts: (5)

Arthur Ginsberg
Dale J. Dangremond
H. Alan Young, Esq.
Karen R. Esser, Esq.
Michael F. Dennis
Joel S. Ganz, M.D.
Richard M. Wilson
Maurice B. K. Edmead
Gloria Grant, Ph.D.
Joan Graham
Meredith P. Branson
Barry Reisig, Esq.
The Honorable Stanley Levy
Andrew Stanley

Un-Numbered Page (15) From
Memorandum Opinion
March 29, 2001 (6)

Appendix A

(1)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JEAN BENNETT ROANE

Plaintiff

v.

NATIONAL CHILDREN'S CENTER, et al.

Defendants.

AFFIDAVIT OF ARTHUR M. GINSBERG

I, ARTHUR M. GINSBERG, being duly sworn, do hereby state as follows:

1. I am the Executive Director of the National Children's Center. I have held that position since March 1998. My office is located at 6200 Second Street, N.W., Washington, D.C. I am not a member of the NCC Board of Directors. I am a resident of the State of Maryland.

2. On July 3, 2000, the receptionist, Jean Queen, of the National Children's Center signed for a package from the U.S. Postal Service. Enclosed in the package were envelopes addressed to Dale Dangremond, Michael F. Dennis, Joel S. Ganz, Richard M. Wilson, Maurice B.K.

Edmead, Gloria Grant, Joan Graham, Meredith Branson, Jit Tandon, Barry Reisig, the Honorable Stanley Levy, Andrew Stanley, and myself. Ms. Dangremond is a former employee of NCC and was not a member of the NCC Board of Directors. Ms. Branson, Mr. Reisig and the Honorable Stanley Levy do not serve on the NCC Board.

3. The package addressed to me contained a complaint in the above-captioned case. I have not appointed Ms. Queen or any other individual to accept service on my behalf. Ms. Queen is not authorized to accept service on behalf of the National Children's Center, its Board of Directors or officers. Under penalty of perjury, I state that I have read the foregoing affidavit consisting of three numbered paragraphs, and the statements therein are true and correct to the best of my knowledge.

s/ Arthur M. Ginsberg
Arthur M. Ginsberg

Subscribed and sworn to before me
this 24 day of July, 2000

s/ Michelle Smith
Notary Public

Appendix A

(2)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No: 1:00CV00436 (RCL)

JEAN BENNETT ROANE

Plaintiff,

v.

NATIONAL CHILDREN'S CENTER, et al.

Defendants.

AFFIDAVIT OF JEAN QUEEN

I, Jean Queen, being duly sworn, do hereby states as follows:

I am employed as a receptionist for the National Children's Center.

2. On July 3, 2000, the U.S. Postal Service delivered a large package to the National Children's Center. The package was sent certified mail with return receipt. I signed for the package.

3. I am not authorized to accept service of process on behalf of the National Children's Center, the Board of Directors, Arthur Ginsberg, or Dale J. Dangremond.

Appendix A

Under penalty of perjury, I state that I have read the foregoing affidavit consisting of 3 numbered paragraphs and the statements therein are true and correct to the best of my knowledge.

s/ Jean Queen
Jean Queen

Appendix A

Mrs. Jan S. Reeves
8 White Ln
Jim Thorpe, PA 18229

CERTIFIED MAIL

7000 0600 0028 8885 2965

U.S. POSTAGE
PAID
PHILADELPHIA, PA
18104
JUN 23 00
AMOUNT
$4.30
0008

Joel S. Ganz, M.D.
Member, Board of Directors
National Children's Center, Inc.
[redacted]

ATTENTION:
Enclosed are extremely
Important Court Papers-
Summons & Complaint
Restricted Delivery-
To Be Opened Only By
ADDRESSEE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
JOEL S. GANZ M.D.
MEMBER, Bd of Dir

COMPLETE THIS SECTION ON DELIVERY

A. Signature [redacted] Agent / Addressee
B. Received (Please Print Clearly) B. Date of Delivery
C. Signature
D. Is delivery address different from item 1? Yes / No
If YES, enter delivery address below:

3. Service Type
Certified Mail / Express Mail
Registered / Return Receipt for Merchandise
Insured Mail / C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)
7000 0600 0028 8885 2965

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789

NAME
1st Notice
2nd Notice
Return

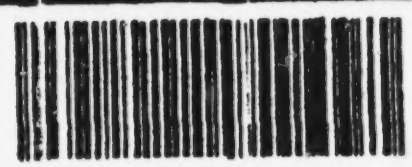
(3)

BEST AVAILABLE COPY

Appendix A

Ms. Joan B. Roane
6 White Ln.
Jim Thorpe, PA 18229-1822

CERTIFIED MAIL



7000 0600 0028 8885 2996

U.S. POSTAGE
PHILADELPHIA, PA
19104
JAN 20 '00
AMOUNT
$4.30
00040042-30

Barry Reisig, Esquire
Member, Board of Directors
National Children's Center, Inc.
[redacted]

ATTENTION:
Enclosed are extremely
Important Court Papers
To Be Opened Only By
ADDRESSEE
SUMMONS AND COMPLAINT

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
BARRY REISIG, ESQ.
MEMBER, BD. OF DIR.,
[redacted]

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature
X ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

Restricted Delivery? (Extra Fee) ☐ Yes

NAME
1.
2
A.

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789

(4)

Appendix A

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7099 3400 0003 9881 7457

Article Sent To: RE: Summons and Complaint

Postage	$ 1.65
Certified Fee	1.46
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	2.75
Total Postage & Fees	$ 7.05

PHILA PA 19104 M.O.F.W. 02 USPS Postmark Here JUN 28 2000

Name (Please Print Clearly) (to be completed by mailer): AL SINSHEIMER
Street, Apt. No.; or PO Box No.: 6600 2nd St.
City, State, ZIP+4: WASH. D.C. 20011

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7099 3400 0003 9881 7426

Article Sent To: RE: SUMMONS AND Compl.

Postage	$ 1.65
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	2.75
Total Postage & Fees	$ 7.05

PHILA PA 19104 M.O.F.W. 02 USPS Postmark Here JUN 28 2000

Name (Please Print Clearly) (to be completed by mailer): DALE J. DANGREMOND
Street, Apt. No.; or PO Box No.: NEC 6600 2ND St. N.W.
City, State, ZIP+4: WASHINGTON, D.C. 20011

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0028 8885 2842

RE: Summons and Complaint

Postage	$ 1.65
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	2.75
Total Postage & Fees	$ 7.05

PHILA PA 19104 M.O.F.W. 02 USPS Postmark Here JUN 28 2000

Recipient's Name (Please Print Clearly) (to be completed by mailer): Hillary Young Esq
Street, Apt. No.; or PO Box No.: 520 King St #6
City, State, ZIP+4: Alex. Va. 22314

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0028 8885 2835

RE: Simmons + Complaint

Postage	$ 1.65
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	2.25
Total Postage & Fees	$ 205

PHILA PA 19104 M.O.F.W. 02 USPS Postmark Here JUN 28 2000

Recipient's Name (Please Print Clearly) (to be completed by mailer): KAREN ESSERG
Street, Apt. No.; or PO Box No.: 101 Pa. Ave. Hillen, Road
City, State, ZIP+4: Wash. DC. 20004

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0028 8885 2734

RE: SUMMONS AND COMPLAINT

Postage	$ 1.65
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.30

PHILA PA 19104 M.O.F.W. #39 Postmark JUN 29 2000 USPS

Recipient's Name (Please Print Clearly) (to be completed by mailer): MICHAEL E. DENNIS, PRES.
Street, Apt. No.; or PO Box No.: NCC 6600 2nd St. NW
City, State, ZIP+4: WASHINGTON D.C. 20011

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0028 8885 2965

RE: SUMMONS AND COMPLAINT

Postage	$ 1.65
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.30

PHILA PA 19104 M.O.F.W. #39 Postmark JUN 29 2000 USPS

Recipient's Name (Please Print Clearly) (to be completed by mailer): JOEL S. GANZ, M.D.
Street, Apt. No.; or PO Box No.: NCC 6600 2nd St., NW.
City, State, ZIP+4: Wash. D.C. 20011

Appendix A

7000 0600 0028 8885 2941

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

RE: SUMMONS AND COMPLAINT

Postage	$ 1.65
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.30

PHILA PA 19104 M.O.F.W. #39 Postmark JUN 29 2000 USPS

Recipient's Name (Please Print Clearly) (to be completed by mailer)
RICHARD M. WILSON
Street, Apt. No.; or PO Box No.
NCC - 6600 2nd St. NW
City, State, ZIP+4
WASH, D.C. 20011

PS Form 3800, February 2000 — See Reverse for Instructions

7000 0600 0028 8885 2958

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

RE: SUMMONS AND COMPLAINT

Postage	$ 1.65
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.30

PHILA PA 19104 M.O.F.W. #39 Postmark JUN 29 2000 USPS

Recipient's Name (Please Print Clearly) (to be completed by mailer)
MAURICE B.K. EDMEAD
Street, Apt. No.; or PO Box No.
NCC 6600 2nd St. NW
City, State, ZIP+4
WASH, D.C. 20011

PS Form 3800, February 2000 — See Reverse for Instructions

7000 0600 0028 8885 2972

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

RE: SUMMONS AND COMPLAINT

Postage	$ 1.65
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.30

PHILA PA 19104 M.O.F.W. #39 Postmark JUN 29 2000 USPS

Recipient's Name (Please Print Clearly) (to be completed by mailer)
GLORIA GRANT, P.D.D.
Street, Apt. No.; or PO Box No.
NCC 6600 2nd St NW
City, State, ZIP+4
WASH - D.C. 20011

PS Form 3800, February 2000 — See Reverse for Instructions

7000 0600 0028 8885 2989

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

RE: SUMMONS AND Compl.

Postage	$ 1.65
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.30

PHILA PA 19104 M.O.F.W. #39 Postmark JUN 29 2000 USPS

Recipient's Name (Please Print Clearly) (to be completed by mailer)
JOAN GRAHAM - Sec. AG DA
Street, Apt. No.; or PO Box No.
NCC, 6600 2nd. St. NW
City, State, ZIP+4
WASH, D.C. 20011

PS Form 3800, February 2000 — See Reverse for Instructions

7000 0600 0028 8885 3016

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

RE: SUMMONS AND COMPLAINT

Postage	$ 1.65
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.30

PHILA PA 19104 M.O.F.W. #39 Postmark JUN 29 2000 USPS

Recipient's Name (Please Print Clearly) (to be completed by mailer)
MEREDITH P. BRANSON
Street, Apt. No.; or PO Box No.
NCC. 6600 2nd St. NW
City, State, ZIP+4
Wash. D.C. 20011

PS Form 3800, February 2000 — See Reverse for Instructions

7000 0600 0028 8885 2996

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

RE: SUMMONS AND COMPLAINT

Postage	$ 1.65
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.30

PHILA PA 19104 M.O.F.W. #39 Postmark JUN 29 2000 USPS

Recipient's Name (Please Print Clearly) (to be completed by mailer)
BARRY REISIG, ESQ.
Street, Apt. No.; or PO Box No.
NCC. 6600 2nd St. NW
City, State, ZIP+4
WASH. DC. 20011

PS Form 3800, February 2000

Appendix A

7000 0600 0028 8885 3009

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

RE: SUMMONS AND COMPLAINT

Postage	$ 1.65
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.30

PHILA PA 19104 M.O.F.W. #39 Postmark Here 2000 USPS

Recipient's Name (Please Print Clearly) (to be completed by mailer)
THE HONORABLE STANLEY LEVY
Street, Apt. No.; or PO Box No.
NCC 6600 2nd St., NW.
City, State, ZIP+4
WASH. D.C. 20011

PS Form 3800, February 2000 See Reverse for Instructions

7000 0600 0028 8885 3009

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

RE: SUMMONS AND COMPLAINT

Postage	$ 1.65
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.30

PHILA PA 19104 M.O.F.W. #39 Postmark Here 2000 USPS

Recipient's Name (Please Print Clearly) (to be completed by mailer)
MR. ANDREW STANLEY
Street, Apt. No.; or PO Box No.
NCC 6600 2nd St. NW
City, State, ZIP+4
WASH. D.C. 20011

PS Form 3800, February 2000 See Reverse for Instructions

Appendix A

(6)

* * *

. . . the 2000 Complaint and the date when she attempted to serve it. Id. Ms. Roane attempted to serve the Arter & Hadden defendants on July 5, 2000,125 days after she filed the 2000 Complaint. *See* Memorandum of Law in Support of [Arter & Hadden] Defendants' Motion to Dismiss at 8. This is plainly in violation of Federal Rule of Civil Procedure 4(m).

Ms. Roane attempted to serve the NCC defendants by mailing an envelope by certified mail to the NCC headquarters. See Memorandum of Points and Authorities In Support of [NCC] Defendants' Motion To Dismiss Plaintiffs Complaint Ex. C; Ex. D. The envelope was received by Ms. Queen, an employee of NCC who is not authorized to accept service on behalf of the NCC or any of the individual NCC defendants. *See id.* That envelope captained a number of smaller envelopes addressed to the individual NCC defendants. *See id.* Within the envelope addressed to Mr. Ginsburg was a copy of the 2000 Complaint and corresponding summons. *See id.*

While the local rule does allow service of process by certified mail, this means of service is not acceptable. First, this kind of "Russian Doll" service of process, of envelopes within envelopes, is not recognized by the Federal Rules. Second, even if it were, somehow, acceptable, Ms. Queen is not an agent for accepting service of process for any of the defendants attempting to be served in this fashion. *See* Part VI B *supra*.

APPENDIX B — EXCERPTS OF MEMORANDUM OPINION OF THE DISTRICT COURT DATED MARCH 29, 2001

* * *

Ms. Roane attempted to serve the NCC defendants by mailing an envelope by certified mail to the NCC headquarters. *See* Memorandum of Points and Authorities In Support of [NCC] Defendants' Motion to Dismiss Plaintiffs Complaint Ex. C; Ex. D. The envelope was received by Ms. Queen, an employee of NCC who is not authorized to accept service on behalf of the NCC or any of the individual NCC defendants. *See id.* That envelope contained a number of smaller envelopes addressed to the individual NCC defendants. *See id.* Within the envelope addressed to Mr. Ginsburg was a copy of the 2000 Complaint and corresponding summons. *See id.*

While the local rule does allow service of process by certified mail, this means of service is not acceptable. First, this kind of "Russian Doll" service of process, of envelopes within envelopes, is not recognized by the Federal Rules. Second, even if it were, somehow, acceptable, Ms. Queen is not an agent for accepting service of process for any of the defendants attempting to be served in this fashion. *See* Part VI B *supra.*

* * *

APPENDIX C — LETTER: TO JEAN BENNETT ROANE FROM: GEORGE R. CLARK MAY 4, 2001 RE: MAIL FRAUD CLAIMS AGAINST NCC RESPONDENT LETTER TO: GEORGE R. CLARK FROM: JEAN BENNETT ROANE MAY 14, 2001

ReedSmith LLP **George R. Clark • 202.414.9215 • gclark@reedsmith.com**

May 4, 2001

Ms. Jean Bennett Roane
5 White Lane
Jim Thorpe, PA 18229

Re: Jean Bennett Roane v. National Children's Center, et al., Civil Action Nos.: 99-03390 and 00-00436 (D.D.C.)

Dear Ms. Roane:

I am inside counsel to Reed Smith in Washington, D.C. At my request, Bridnetta Edwards and Mike Lynch have forwarded to me copies of your recent correspondence, faxes and e-mails concerning your complaints against them. While you should continue to deal with them about the above-captioned case or any appeal from it, I would request that you contact me about any complaints you have concerning their conduct, as well as your threatened litigation against them or Reed Smith.

It is not my purpose to engage you in a debate over the charges that you have made. There are appropriate forums

for that. But I will note that all of your charges concerning service were before Judge Lamberth and were rejected. Moreover, he dismissed your complaint principally on other grounds, and his rejection of your service claims was only an alternative ground for dismissal.

Obviously you are free to pursue any appropriate grounds on appeal, but you are not free to make [baseless] charges against Ms. Edwards, Mr. Lynch and Reed Smith. And although you can file any lawsuit which the clerk's office will accept, we are unaware of any basis for any claim. You can be assured that any suit by you will be defended with vigor as maliciously and frivolously brought.

The same freedom applies to your threats concerning disciplinary proceedings, the FBI, the Postal Service and the U.S. Attorney's office. You are free to make any truthful claims that you want, but you are not free to make false charges or claims. I invite you to have any of those authorities that you claim to have contacted contact me for any information that they may want.

Should you decide to proceed with litigation you may serve any complaint against Reed Smith, Ms. Edwards, or Mr. Lynch on me in the appropriate manner, in conformity with the governing Rules and statutes.

Appendix C

Sincerely yours,

s/ George R. Clark
George R. Clark

/GRC

cc: Michael C. Lynch, Esq.
Bridnetta D. Edwards, Esq.

Appendix C

May 14, 2001

George R. Clark, Esq.
REED SMITH LLP
1301 K Street, N.W.
Suite 1100 – East Tower
Washington, D.C. 20005-3373

RE: Filing of Fraud Conspiracy Cause of Action Against National Children's Center, Inc., et al., REED SMITH SHAW & McCLAY et al. by Jean Bennett Roane

Dear Mr. Clark:

Please be advised that, under no circumstances are you to send me such a fatuous letter (dated May 4, 2001).

The sole response should have been to name the individual or individuals you have authorized to receive service of process for the above named Defendants in my actual, and not "threatened" litigation. As is typical of all transactions with Mrs. Edwards and Mr. Lynch, you have avoided answering the question regarding your authorized agent for service of process, in addition to yourself.

In that connection, I will make a motion to the Court that the Clerk of the Court serve all Defendants, thus the possibility that a repeat of the "fraud" engaged in by Mrs. Edwards and Mr. Lynch is eliminated.

Appendix C

While you recognize that it is futile to engage in a dispute with me regarding the litigation **I will file**, you nonetheless pursue a course of paternalistic pedagogy. You elect to remind me that I am free to do this or that legally. I do not need to be instructed by you or any Attorney from your firm. You need to administer an overdose of ethics to them so that REED SMITH will not be placed in harm's way again.

Mrs. Edwards and Mr. Lyunch have committed a felony which is indictable. It is enchanting that you dare to threaten me, i.e., "any suit by you will be defended with vigor as maliciously and frivolously brought." All the vigor that you and your entire Law firm can muster will not extricate you from liability for the blatant, invidious, malicious, and calculating conduct by Mrs. Edwards and Mr. Lynch. Put very indelicately, it is despicable. My considered judgment is that someone is going to be indicted.

It is abundantly clear that the documents submitted by them sets forth overwhelming evidence of actionable fraud. While I can understand your efforts to exculpate REED SMITH, you must similarly understand that your comments about my "baseless" claims makes you appear rather witless. I am the victim here, let us be mindful of that solid notion. REED SMITH is the engineer of its own liability. A decision was made to use whatever means necessary to prevent a Black Plaintiff from seeking justice in, of all places, The United States District Court For The District of Columbia.

And that brings into question your remark that Judge Lamberth rejected my claim of fraud with regard to service of process. Let us get a reality check here. Anyone who has

ever read an opinion by a Federal Judge would agree that Judge Lamberth bears no pride of authorship of the **Memorandum Opinion, March 29, 2001**. It is riddled with factual and legal errors. Most alarming is the misspelling of a Defendant's name. I have read many of Judge Lamberth's opinions; this is not one of them.

I called his Law Clerk, Mr. John Price. I brought to his attention, the issue of fraud and my impression was that he was startled. It is my opinion that Mr. Price may have behaved improperly with regard to my cases and I am forwarding the matter to the appropriate committee under the Local Rules.

Finally, you must understand that I was not the force that triggered an investigation by the Federal Bureau of Investigation. Mrs. Edwards and Mr. Lynch actually tampered with The United States Post Office mail. When the "green" cards were not returned to me, a tracer was placed on them. They have not been found to date. They are "guilty" of mail fraud. You need to direct your vigor to their defense; they are in serious trouble. I do not care what happens with the Disiciplinary Committee (I am led to believe that it is not unlike the wolf guarding the hen house) nor the U.S. Attorney's office.

I have made available to the appropriate authorities all documents I received from Mrs. Edwards and Mr. Lynch thus, I certainly would not direct them to you for an opportunity to engage in the mendacity that places you in your present position. That is the gravamen of your involvement. You provided the seeds of your own destruction. All I must do is hope for a Judge with integrity whose Law Clerk would not

be impressed with 4 Law firms to the extent that a Black female Plaintiff could expect the playing field to be level in a Federal District Court.

It is tragic that you and others are so burdened with racism that you pursue relentlessly, unlawful means to put to a halt any action a Black person has against a Majority group. Let me reassure you that I will defend against you and all other Defendants because I am right. You are victims of your own petard, thereby exposing atrocious culpatory misdeeds.

Sincerely,

s/ Jean Bennett Roane
Jean Bennett Roane

Copy: Mr. John Price
Law Clerk

APPENDIX D — PETITIONER'S RESPONSE, IN PART, TO RESPONDENT NCC'S POSITION STATEMENT, UNNUMBERED PARAGRAPH 1, DISCUSSION – ATTACHMENT A, MARCH 17, 2000

* * *

Unnumbered Paragraph 1:

Mr. Shaffer misrepresents the submission of the Proposal to perform Seminars dated January 14, 1999 as the first request to be considered for an employment opportunity to create an impression that Ms. Roane took "harmful actions" within 2 weeks. Mrs. Dangremond says in her Affidavit that "about two weeks after Ms. Roane sent her proposal (January 1, 1999), she began a series of actions both adverse and hostile towards NCC and individuals at NCC." Both have obviously revised the facts, but forgot to check with each other. Mrs. Dangremond may be simply woefully incompetent with regard to the date.

Further, Mr. Shaffer lies when he states below that, "Initially she wrote NCC's General Counsel . . . ," The letter was dated February 1, 1999. Before that time, Ms. Roane wrote Mr. Ginsberg 3 letters in which she asked for an opportunity to be considered for the Training Consultant position. The first letter was dated January 3, 1999. Moreover, the February 1, 1999 and February 12, 1999 letters to Mr. Young and Mr. Ginsberg were not hostile at all. It seems as if the Defendants offer words to mean what they say they mean – nothing more or nothing less.

And then the falsification accelerates:

> "Beginning in January, 1999, she subjected both NCC and its employees, including its counsel,

> **to personal visits** (I never visited anyone at NCC at any time), letters, telephone calls (statutory right), and even leaflets (there was one sample leaflet sent to NCC which was not distributed to anyone). Initially, she wrote NCC's General Counsel, H. Alan Young, stating that, **"I was certain that I would be considered for the position of Training Consultant...." [affixed hereto)**.

The letter to H. Alan Young, Esq. which Mr. Shaffer offers as proof of the above quote has been altered with the intent to conceal the fact that an employment opportunity for further Consulting was announced by Mr. Ginsberg. The accurate quote is:

> **"In light of Arthur's statement at the Board Meeting that night, 'we are going to have them back'. 1 was certain that I would be considered for the position of Training Consultant- along with others equally qualified:"** Ibid.

Note that even before Mr. Shaffer's criminal tampering with evidence, the statement Mr. Shaffer quoted is not a hostile thought, indeed it is very favorable to "Ms. Roane" and in effect, benign.

* * *

APPENDIX E — EXCERPT FROM RESPONDENT NCC'S POSITION STATEMENT, JUNE 2, 1999, PAGE 6 (RE – "THREATS BY PETITIONER")

ARTER & HARDEN LLP

Ms. Denise Anderson
June 2, 1999
Page 6

* * *

D. Hostile Actions Taken by Ms. Roane Against NCC

Only two weeks after she submitted her proposal, and approximately six weeks after the union vote, Ms. Roane began to take actions harmful to NCC's interests. Beginning in January, 1999, she subjected both NCC and its employees, including its counsel, to personal visits, letters, telephone calls, and even leaflets.[3] Initially, she wrote NCC's General Counsel, H. Alan Young, stating that "I was certain that I would be considered for the position of Training Consultant . . . I would have no respect for myself if I left the matter of NCC 'using' me and then tossing me aside, uncontested." *See* Exhibit 5 at 1.

In a February 12, 1999 letter to Mr. Ginsberg, Ms. Roane mentioned that she was communicating with another employee, Carol Rice, about helping to develop Ms. Rice's discrimination claim. *See* Exhibit 4 at 1. She warned Mr. Ginsberg that he has "exposed NCC to a massive

3. For the sake of brevity, we will not describe in detail all of these communications. Instead, we have attached Exhibits 4-5, 7-21.

discrimination suit. . . . I hope Mrs. Rice will keep her promise to me which was that she would heed my advice in an effort to resolve her issues. She respectfully requested that you [Mr. Ginsberg] allow me to speak for her during this sensitive period." *Id* at 2. NCC is of the opinion that, at least in part to the efforts of Ms. Roane, Ms. Rice eventually resigned from NCC, but has not pursued a claim of any kind against NCC.

Over the next three weeks, Ms. Roane left multiple telephone messages for Mr. Ginsberg and Ms. Dangremond. She referred to Mr. Ginsberg as a "hopeless racist" who "intimidat(ed] and terrorized] the Black employees," and promised that "it's going to be miserable when I finish with you and Dale." *See* Exhibit 2 at ¶ 17. The messages also accused Ms. Dangremond of being racist, incompetent, and a bad mother. *See* Exhibit 6 at If 15.

On March 2, 1999, Ms. Roane sent a lengthy memorandum, with an addendum, to members of the NCC Board of Directors. *See* Exhibits 14-15. In the memorandum, Ms. Roane wrote that "I hoped that I would be able to help Arthur understand his racism. Of all the people I have ever met in my life, Arthur is the most severe racist – he is deadly . . . 1 do hope that you will prohibit Arthur and Dale from continuing to threaten Black employees." *See* Exhibit 14 at 4.

Ms. Roane also prepared a leaflet for distribution to "all Black and white employees" at NCC, stating that she "had a right to be considered by NCC to present Training sessions." *See* Exhibits 9-13. Telephone records from NCC

during this time indicate that a substantial number of calls were placed to Roane by NCC employees from within NCC. *See* List of Telephone Calls to Roane, Exhibit 22. Ms. Roane also invited two employees to her home for the weekend. *See* Exhibit 16.

APPENDIX F — EXCERPT FROM PETITIONER'S ATTACHMENT – A – DISCUSSION; SUBMITTED TO U.S. DISTRICT COURT, MARCH 17, 2000

* * *

In the instant case, Watkins has acknowledged in his Amended Counterclaim that he was hired by ICMA-RC for an "indefinite term." Amended Counterclaim, ¶ 17. Given the District of Columbia's employment at-will doctrine, it is therefore clear that Watkins was an at-will employee who could be terminated at anytime. Watkins has failed to allege that he had an employment contract for a specific period of time. As a result, his claim for wrongful discharge must fail.

Watkins seeks to avoid the clear import of District of Columbia law by alleging that his discharge falls within a public policy exception to the District of Columbia's employment at-will doctrine. In support of this argument, he alleges that his termination was in retaliation for his having called possible federal securities law violations to the attention of ICMA-RC top management. Although a public policy exception to the employment at-will doctrine has been recognized in other jurisdictions, this Court is bound by District of Columbia law. In *Hall v. Ford, supra,* the Court of Appeals directly addressed this issue. The *Hall* court, after reviewing the decisions of the D.C. Court of Appeals, concluded that the D.C. courts have "refused to create an exception to this [at-will] rule for dismissals that violate public policy." *Id.* As a basis for this conclusion, the *Hall* court focused upon the D.C. Court of Appeals refusal in *Ivy v. Army Times Publishing Co.,* 428 A.2d 831 (D.C.1981) to grant an *en banc* rehearing to a case in which a panel of the court had dismissed, in an unpublished memorandum

opinion, an employee's complaint which alleged a dismissal in violation of public policy. After reviewing D.C. law, the *Hall* court unequivocally declared: "The Clear lesson of *Ivy* is that the District of Columbia does not currently recognize a public policy exception to the at-will termination doctrine." *Hall,* 856 F.2d at 267. In accordance with the decision in *Hall,* this court finds that Watkins' claim for wrongful discharge must be dismissed as a matter of law.

B. ***Defamation: Damage to Reputation***

Watkins alleges that he has been defamed by ICMA-RC's "communications to public employers and public officials [which contained] false and defamatory statements about Harold Watkins." Amended Counterclaim ¶ 53. The only communication specifically identified in the Counterclaim, however, is the January 1989 edition of the ICMA-RC *Employer Bulletin. Id.* at 51. The *Bulletin* states in full:

> It has come to our attention that a former employee of the Retirement Corporation, discharged in 1987, has undertaken a letter writing campaign to employers in an attempt to discredit the organization. R.C. has taken legal action against this individual, and regrets any inconvenience this matter may have caused you.

In his response to ICMA-RC's motion to dismiss, Watkins identifies two additional statements that he claims to have been defamatory: 1) the allegations made in the complaint filed in this case by ICMA-RC; and 2) a January, 1989 letter from Dr. Robert E. Hancox, President and Chief

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Executive Officer of ICMA-RC, to Fairfax County (hereinafter "Hancox Letter").

As to the comments contained in ICMA-RC's complaint, it is clear in this jurisdiction and most others that comments contained in court related documents are privileged and cannot form the basis for a defamation action. As this Circuit recognized several years ago, "statements in pleadings and affidavits are absolutely privileged if they have enough appearance of connection with the case in which they are filed so that a reasonable man might think them relevant." *Brown v. Shimabukuro,* 118 F.2d 17, 18 (D.C.Cir.1941). Here, the statements in the ICMA-RC complaint are directly related to its cause of action against Watkins. Therefore, these statements are privileged as a matter of law.

* * * *

APPENDIX G — FAILURE OF NCC RESPONDENT TO RESPOND TO PETITIONER'S REQUEST TO DISCUSS EMPLOYMENT OPPORTUNITY

It is critical to underscore here the fact that NCC did not respond to any of my 4 letters E-mail and phone calls in which I requested an opportunity to discuss an employment opportunity that I knew existed before June 2, 9999 and still exists. In fact, at the TRO Hearing where they sought desperately to silence me, they were silent with respect to whether a Consultant[s] position was available. Moreover, they did not have a reason for failing to respond to any of my communications. After 6 months NCC finally came up with an assertion that a position was not available [NCC eliminated it after I applied]. I gave them the idea in one of my letters and they used my "exact" words (See Attachment C affixed hereto).

MRS. DANGREMOND'S BACKGROUND AND THE TRAINING POSITION

Mrs. Dangremond began presenting training sessions to Staff Members, 2 in January, 1999 and 2 in February, 1999. Mr. Ginsberg may have been present at all or one of them [he may have received additional compensation). She **never claimed** to have presented Training sessions to anyone until she submitted an Affidavit on June 2, 1999 in which she swore, inter alia that she had presented training sessions for 8 years. In fact, the E.E.O.C. file reveals in an Interoffice Memo dated August 20, 1998 signed by Mr. Ginsberg that ***"Dale is an expert in the field of incident/risk management and organization [sic] development and has previously served as Executive Director of "a County Association" [unnamed] for retarded children, and a rehabilitation***

Appendix G

program for persons with hearing impairment . . . ,and certified in Professional Management of Rehabilitation Facilities and Interpreter Training. NOTE: There is no mention whatsoever that she conducted "training courses on the principles of management and supervision for eight years." Indeed, even her falsified credentials make reference to her being a "nationally recognized consultant in the areas of quality of care and client protection" submitted by her in a sworn Affidavit.

Thus, it is comprehensible that her performance was not good. She was engaging in "on-the-job training." Further, if she had presented seminars for 8 years and had them evaluated as she opined, she would have produced copies of evaluations from at least 1 Seminar. She has never asserted that she was a nationally recognized Consultant in any sort of NCC's Training needs. Thus, her experience in patient care and Professional Management of Rehabilitation Facilities is irrelevant to qualifications in Training.

It appears that she has been untruthful about her academic credentials. She claims to have a B.SW and a MBA. Her resume remains a "mystery" to this date. No one has seen it. Although the E.E.O.C. requested a copy of her resume on two occasions, Mr. Shaffer refused to comply (The E.E.O.C. failed to use its' subpoena power to enforce the requests).

Prior to the filing of my law suit, I sent Mr. Shaffer 3 faxes in which I raised several questions. I explained, inter alia, that I would appreciate a copy of Mrs. Dangremond's "elusive" resume, and if I did not hear from him within a reasonable time from the date of the faxes, I would assume that she had falsified materially, her credentials.

APPENDIX H — PETITIONER'S BROCHURE, IN PART A TRUE COPY SUBMITTED IN ATTACHMENT A – DISCUSSION, P. 26A. MARCH 17, 2000

PROGRESSIVE
EMPLOYMENT
PRACTICES

P
E
P

Suite 5, White Lane
Jim Thorpe, Pennsylvania
18229

Tele: (717) 325-0222
Fax: (717) 325-8151

EVALUATIONS
BY ATTENDEES

"I felt really good and ready to conquer the world after this seminar."

"Excellent motivational speaker, inspiration at the personal level."

"I wish that we could have in-services of this type for everyone, as many could or need to hear the positive side of being a Nursing Assistant."

Appendix H

"The presenter is excellent. I enjoyed this workshop immensely. She made the hours flow by smoothly and kept my interest at all times."

"This was an excellent presentation."

"She's the best in-service speaker I've ever heard of."

"First ever worth listening to."

"Stimulating. Well prepared and excellent speaker."

"Fantastic. Dynamic speaker. Everyone can benefit from this program."

PARTIAL CLIENT LIST

Antaeus Enterprises, New York
A.T. & T. Bell Laboratories, New Jersey
Cenvet Laboratory, New York
Chemical Bank, New York
Herzog, Heine, Geduld, Inc., New York
Prudential Securities, New York
State of Maryland, Department of Natural Resources

Appendix H

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APPENDIX I — PETITIONER'S BROCHURE, IN PART, ALTERED AND SUBMITTED BY NCC RESPONDENT, JUNE 2, 1999

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E
P

Suite 5, White Lane
Jim Thorpe, Pennsylvania
18229

Tele: (717) 325-0222
Fax: (717) 325-8151

EVALUATIONS
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Appendix I

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Richard J. Lung, M.D.

OFFICER

Jean Bennett Roane, President

APPENDIX J — LETTER TO:
PETITIONER
FROM: DAVID J. SHAFFER
COUNSEL FOR NCC
RESPONDENT, AUTHOR OF POSITION STATEMENT
RE: APPLICATION FOR TRO IN U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, FEBRUARY 23, 1999

ARTER & HADDEN LLP
ATTORNEYS AT LAW
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Washington, D.C. 20006-1301
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Washington, D.C.
Woodland Hills
Affiliated Offices
Brussels, Belgium
Geneva, Switzerland

Direct Dial: (202) 775-7104
internet Address: dshaffer@arterhadden.com

Appendix J

February 23, 1999

VIA FEDERAL EXPRESS
AND ELECTRONIC MAIL

Jean Bennett Roane
5 White Lane
Jim Thorpe, PA 18229

RE: National Children's Center

Dear Ms. Roane:

You are hereby notified that we will be seeking a Temporary Restraining Order in the U.S. District Court for the Eastern District of Pennsylvania on Thursday, February 25, 1999. We plan to file our papers with the Court at 9:00 A.M. on that date. We are forced to take this action because you have neither replied to nor complied with our February 22, 1999 letter requesting that you cease and desist having any contact with our client, the National Children's Center.

Very truly yours,

s/ David J. Shaffer
David J. Shaffer

DJS/dey

Appendix J

cc: Arthur Ginsburg, Executive Director, NCC
H. Alan Young, Esquire
John Mitchell, Alpha
Nick Sangalis, Alpha
Dennis Grant, Esquire
John B. Lewis, Esquire

APPENDIX K — EXCERPT FROM TRANSCRIPT RE: TESTIMONY BY H. ALAN YOUNG, ESQ. IN OPEN COURT ASSERTING PHYSICAL THREATS MADE BY PETITIONER, FEBRUARY 25, 1999. PP. 42-45

[42] THE COURT: Therefore, you brought a TRO.

MR. YOUNG: Correct.

THE COURT: And it was going to be heard this morning.

MR. YOUNG: That's correct.

THE COURT: And the person named in the TRO wasn't here, and needed to decide whether to come.

MR. YOUNG: Well, that wasn't discussion on the telephone message, which we didn't have time to transcribe. But there was no question that she was going to come, because she mentioned she's going to be here at 11 o'clock.

MS. ROANE: Your Honor --

THE COURT: I don't want to hear from you now, Ms. Roane, please.

MR. YOUNG: But, Your Honor, the point is that this boils down to a question of disrupting the center. They're quite concerned about these phone calls.

THE COURT: I understand.

MR. YOUNG: And they're -- they say that they are concerned about the safety of themselves, especially Mr. Ginsberg, and --

THE COURT: Have there been physical threats?

MR. YOUNG: Yes. I mean, they're --

24 THE COURT: Tell me what were the --

MR. YOUNG: They're concerned about her behavior.

[43] THE COURT: What's the physical threat?

MS. ROANE: They think I'm crazy.

THE COURT: They haven't proven it. Go ahead.

MR. YOUNG: Your Honor, I could make a representation to the Court that she has done something, for example, that causes them great concern about the health and safety of themselves and of some of the employees. If you'd like me, I would like to make that representation to the Court.

Over the long --

THE COURT: This is a threat that would be carried out here in Washington?

MR. YOUNG: It could very well be, Your Honor.

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What happened is that there were two -- that Ms. Roane -- incidentally, she and I have had the most cordial relationship. I think she did a great job when she was there. As a matter of fact, there were representations made by our counsel that these communications began the first week in February. They really didn't. There was a letter dated February 1st addressed to me that I never received. The first time I received it was about February 11th or 12th, because she sent a copy of that letter as well as another letter to Mr. Ginsberg. The first time I heard from Ms. Roane --

THE COURT: Have you reported these threats to law enforcement authority?

[44] MR. YOUNG: No, Your Honor, but what I said, and I think I'd like you to hear this, that we're concerned about is that she invited -- Ms. Roane invited a number of people, who she befriended at the center, to call her and visit her if they would like. Two persons in the Human --

THE COURT: In Pennsylvania?

MR. YOUNG: Yes. Two persons in the Human Resources Department called over the long weekend or before the long weekend, and said, "We would like to visit you if you would like us to." She said, "Fine." And, again, I'm repeating what I was told by Mr. Ginsberg, who spoke to these two women. They traveled about three, three and a half hours to Jim Thorpe. When they got there Ms. Roane said that they were early and that they couldn't come in. Finally, one of the women said, "I do want to come in and use your facilities." At first she said, "You can't do it." Finally, she

said, "Close your eyes and walk in." When she walked out, she said. "Put your bags in my car." And they said, "Well, I thought we were visiting you and staying here." She said, "No, you're going to stay with a friend of mine and it's only 10 or 20 minutes away."

Three and a half hours later they arrived in New York City. They stayed at a place that belonged to Ms. Roane's -- a friend of Ms. Roane. The next day they went to Atlantic City, and apparently there was a confrontation with [45] their friend, who they thought was maybe a compulsive gambler. They had to wait two and a half hours while they tried to get her out of the casino. One of the women called her home and left the telephone number of Ms. Roane and the license number, for fear that something could happen to them.

They went back to New York City, stayed overnight, went back to Jim Thorpe the next day, and then from Jim Thorpe, they came down to Washington.

I don't think this is behavior of a person who is what we would say at least normal at this situation, especially in light of these phone calls. And, Your Honor, we have tapes. And it is vitriolic. There are a lot of things that are said on those tapes that are alarming, and especially the tone of voice that Ms. Roane has used, that has caused these people grave concern.

When you said, Your Honor, what prompted this whole activity from Ms. Roane, I think you may have been right. I think that maybe there should have been a response to her letters and to the proposal, and if I were in that position,

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I think maybe I would have done that, but that's a judgment call, a business call. But that doesn't -- there's no duty on the part of the center to respond to that, and there's no reason -- and that certainly isn't reason enough for her to make these phone calls and to participate in these type of activities. If she wants to file the suit, Your Honor, we . . .

* * *